

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 16, 2000**

**DIVISION TWO**

B125041      Burns International Security Services      (Not for Publication)  
                 v.  
                 Southern California Auto Auction

We therefore conclude that the judgment of the trial court is affirmed.

Mallano, J. (Assigned)

We concur:    Boren, P.J.  
                      Cooper, J.

B128533      Azuike      (Not for Publication)  
                 v.  
                 Nationsbank Corporation et al.

We conclude that the demurrers to the first, fourth, and ninth causes of action of the amended cross-complaint were properly sustained. The trial court improperly sustained NationsBank's demurrer to the eighth cause of action. It also abused its discretion in not granting Azuike leave to amend the first cause of action as to ICI. We therefore reverse the orders dismissing ICI and NationsBank and remand this matter to the trial court with directions to enter an order sustaining NationsBank's demurrers, without leave to amend, as to the first, fourth and ninth causes of action, sustaining ICI's demurrer to the first cause of action, but granting Azuike leave to amend, and overruling NationsBank's demurrer to the eighth cause of action. Each party is to bear its own costs on appeal.

Mallano, J. (Assigned)

We concur:    Boren, P.J.  
                      Nott, J.

March 16, 2000-Continued

## DIVISION TWO (Continued)

B130353      Guise      (Not for Publication)

V.

Los Angeles County Metropolitan Transit Authority

The summary judgment in favor of defendant Los Angeles County Metropolitan Transportation Authority is reversed. Costs to appellant.

Mallano, J. (Assigned)

We concur:   Nott, Acting P.J.  
                  Cooper, J.

B125249      Konig      (Certified for Partial Publication)

V.

## Fair Employment and Housing Commission

The judgment is affirmed. Each party is to bear its own costs.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

B127696 People (Not for Publication)

V.

Valentine

The judgment is affirmed.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

March 16, 2000-Continued

## DIVISION TWO (Continued)

B134060      People                          (Not for Publication)  
v.  
Cage

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

DIVISION THREE

B127997 Haynes (Not for Publication)  
v.  
Cedars-Sinai Medical Center

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B136563 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

March 16, 2000-Continued

### DIVISION THREE (Continued)

B128908      Sandoval      (Not for Publication)  
v.  
Sandoval

The purported appeal is dismissed without prejudice. Sara to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Schneider, J. (Assigned)

B125001      Truck Insurance Exchange      (Not for Publication)  
v.  
County of Los Angeles

The judgment is reversed. Each party to pay their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

**DIVISION FOUR**

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Berle, J. (Assigned) and V. Guzman, Deputy Clerk.

B129587      Mundo  
v.  
County of Los Angeles

Merits:  
Argued by Steven C. Gambardella for appellant and by Dana F. Gardner for respondent. Cause submitted.

DIVISION FOUR (Continued)

B136732      Twentieth Century Fox Film Corporation  
                 v.  
                 Superior Court  
                 Lottermoser

Merits:

Argued by M. Michelle Alvarez for petitioner and by C. Stephen Love for real party in interest. Cause submitted.

B126168      Refrigeration Supplies Distributors, Inc.  
                 v.  
                 Kindel & Anderson

Merits:

Argued by Mark A. Nialis for appellant and by Jules S. Zeman for respondent. Cause submitted.

B137995      Valley Presbyterian Hospital  
                 v.  
                 Superior Court  
                 Homel

Merits:

Argued by Christine T. Hoeffner for petitioner and by Ned Good for real party in interest. Cause submitted.

B130552      Markowitz  
                 v.  
                 Coast Federal Bank et al.

Merits:

Argued by Steven Sandler for appellant, by Robert J. Shulkin for respondent FSR Brokerage and by Eric D. Houser for respondent Washington Mutual. Cause submitted.

DIVISION FOUR (Continued)

B136762      Cimarusti et al.  
                 v.  
                 Superior Court  
                 Dept. of Youth Authority

Merits:

Argued by Rudy E. Jansen and Christine Albertine for petitioner and by Diana L. Cuomo for real party in interest. Cause submitted.

B122853      Pacific Custom Pools et al.  
                 v.  
                 Turner Construction Company

Merits:

Argued by Howard B. Brown for appellant, by Anne M. Huarte for respondent Pacific Custom Pools, et al., and by Jack W. Fleming for respondent Universal City Studios. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Berle, J. (Assigned) and V. Guzman, Deputy Clerk.

B126945      Higgins et al.  
                 v.  
                 Budget Rent A Car et al.

Merits:

Argued by John H. Howard for appellants, by Carol Quan for respondent and by Christian Stouder for respondent. Cause submitted.

DIVISION FOUR (Continued)

B127337     Wolitarsky et al.  
              v.  
              Blue Cross of California et al.

Merits:  
Argued by Jay R. Taylor for appellants and by Terrence M. King for respondents. Cause submitted.

B100152     Rainey Construction  
              v.  
              Long Beach Unified School District

Merits:  
Argued by Timothy J. Hughes for appellant and by Lawrence R. Greenberg for respondent. Cause submitted.

B126480     People  
              v.  
              Marshall

Merits:  
Argued by John L. Staley for appellant and by Susan S. Kim, deputy attorney general, for respondent. Cause submitted.

B130648     Valdez  
              v.  
              Owens-Brockway Glass Container et al.

Merits:  
Argued by C. Stephen Love for appellant and by Stephen M. Hankins for respondent. Cause submitted.

DIVISION FOUR (Continued)

B121572 Mourkos et al.  
v.  
Erenberg et al.

Merits:

Argued by Walter L. Gordon for appellants, by Wayne T. King for respondent Erenberg and by Jane M. Szerman for respondents Cummings & Hovieler. Cause submitted.

Each of the following:

B130746 People v. Suvia  
B129929 People v. Wilson  
B127479 People v. Castillo  
B131213 People v. Puebla  
B131511 People v. Harris  
B130031 People v. Christopher D.  
B137744 Valentine D. v. S.C.L.A. (D.C.F.S.)  
B134685 D.C.F.S. v. Rungsun B.  
B132584 D.C.F.S. v. Rosa Z.  
B134977 D.C.F.S. v. Carolyn W.  
B134087 Elias v. Department of Motor Vehicles  
B120603 Johnson v. Finch

Argument waived, cause submitted.

Court Adjourned.



DIVISION FIVE

B126469      Rosa Bellomo      (Not for Publication)  
v.  
Susan Morris et al.

The judgment is affirmed. Appellant is to bear respondents' costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

B137074      American Golf Corporation      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Albert Becker, r.p.i.)

A peremptory writ shall issue directing respondent court to vacate its order of October 25, 1999, denying the motion of American Golf Corporation for summary judgment and enter a new and different order granting the motion. Costs are awarded to petitioner.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.

B110177      Stern Metals, Inc.      (Not for Publication)  
B128429      v.  
Joseph Ash

Filed order modifying opinion (Change in Judgment). The petitions for rehearing filed by Attorney Leff and appellant are denied.

March 16, 2000-Continued

DIVISION SIX

B129782      People                                  (Not for Publication)  
v.  
Ramirez & Munguia

The judgments are affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B131472 People (Not for Publication)  
v.  
Warren

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

## DIVISION SEVEN

B126446      Kellum      (Not for Publication)  
v.  
L.A. County Employees Retirement  
Internal Services Department, County of Los Angeles

The judgment is reversed and the cause remanded for issuance of a writ of mandate directing LACERA to grant appellant's request for a hearing on his reapplication for a disability pension and for further proceedings by LACERA consistent with the views expressed herein. Costs awarded to appellant.

Johnson, J.

I concur: Lillie, P.J.  
I concur: Woods, J. (Opinion)